

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:07CR421
Plaintiff,)	
)	
vs.)	ORDER
)	
STEPHEN O'SHEA,)	
)	
Defendant.)	

This matter is before the court on the motion to continue trial by defendant Stephen O'Shea (O'Shea) (Filing No. 17). O'Shea seeks a sixty-day continuance of the trial of this matter which is scheduled for February 25, 2008. O'Shea's counsel represents that O'Shea has signed an affidavit wherein O'Shea represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act and that such affidavit will be filed with the court. Further, O'Shea's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. O'Shea's motion to continue trial (Filing No. 17) is granted.
2. Trial of this matter is re-scheduled for **April 28, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 13, 2008 and April 28, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 13th day of February, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge